

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAZE D. THOMAS,

Plaintiff,

-against-

FENNEAS EILISH; BILLY EILISH;
INTERSCOPE RECORDS/DARKROOM
RECORDS; UNIVERSAL MUSIC GROUP;
UNIVERSAL MUSIC GROUP HOLDING
COMPANY,

Defendants.

23-CV-10013 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging copyright infringement. By order dated November 29, 2023, Plaintiff's was granted leave to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

DISCUSSION

A. Federal Rule of Civil Procedure 21

Plaintiff names as Defendant singer and songwriter Billie Eilish, but in the caption of the complaint, Plaintiff writes her name as "Billy Eilish." Plaintiff also names as Defendant Billie Eilish's brother, Fenneas O'Connell, but Plaintiff writes his name as Fenneas Eilish.

In light of Plaintiff's *pro se* status, and clear intention to bring claims against Billie Eilish and Fenneas O'Connell, the Clerk of Court is directed, under Rule 21 of the Federal Rules of Civil Procedure, to substitute Billie Eilish as a Defendant, for Defendant Billy Eilish, and Fenneas O'Connell as a Defendant, for Defendant Fenneas Eilish. This amendment is without prejudice to any defenses that Defendants Billie Eilish and Fenneas O'Connell may wish to assert.

B. Service on Defendants

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Fenneas O’Connell, Billie Eilish, Interscope Records/Darkroom Records, Universal Music Group, and Universal Music Group Holding Company through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify me in writing if his address changes, and I may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. Therefore, the time to serve is extended until 90 days after the date summonses are issued.

CONCLUSION


The Clerk of Court is directed, under Rule 21 of the Federal Rules of Civil Procedure, to substitute Billie Eilish as a Defendant, for Defendant Billy Eilish, and Fenneas O'Connell as a Defendant, for Defendant Fenneas Eilish.

The Clerk of Court is further instructed to issue summonses for Defendants Fenneas O'Connell, Billie Eilish, Interscope Records/Darkroom Records, Universal Music Group, and Universal Music Group Holding Company, complete the USM-285 forms with the addresses for these Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: February 27, 2024
New York, New York



VERNON S. BRODERICK
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Fenneas O'Connell
c/o Universal Music Group
1755 Broadway #6
New York, New York 10019
2. Billie Eilish
c/o Universal Music Group
1755 Broadway #6
New York, New York 10019
3. Interscope Records/Darkroom Records
c/o Universal Music Group
1755 Broadway #6
New York, New York 10019
4. Universal Music Group
1755 Broadway #6
New York, New York 10019
5. Universal Music Group Holding Company
1755 Broadway #6
New York, New York 10019